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S E C R E T ATHENS 2717

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MILITARY ADDEES HANDLE AS SPECAT EXCLUSIVE

E.O. 11652: GDS

TAGS: MARR, GR, US

SUBJ: GREEK BASE NEGOTIATIONS: INITIAL MEETING OF

SUBGROUP OF SOFA QUESTIONS

REF: STATE 075036, ATHENS 2695

USNATO ALSO FOR DEPASSTSECDEF BERGOLD

1. SUBCOMMITTEE ON STATUS OF FORCES MATTERS MET MORNING
OF APRIL 8 FOR TWO HOURS. GREEKS WERE REPRESENTED BY
MR. ECONOMIDES, LEGAL ADVISER, FOREIGN MINISTRY, AND
MR. CONSTAS, COUNSELOR. IT WAS AGREED THAT THE GREEK
SIDE WOULD PRESENT ITS VIEWS AT APRIL 8 MEETING AND THAT
US SIDE WOULD RESPOND ON APRIL 9. THE GREEK SIDE
BEGAN THE DISCUSSIONS BY PRESENTING A HISTORICAL
ANALYSIS OF DEVELOPMENT OF CURRENT STRUCTURE OF PRIVILEGES

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ENJOYED BY US PERSONNEL IN GREECE. ECONOMIDES THEN

BROKE DOWN THE MATERIAL TO BE DISCUSSED INTO TWO AREAS:

1) PRIVILEGES, IMMUNITIES AND EXEMPTIONS DERIVING FROM AGREEMENTS SIGNED IN 1947, 1948 AND 1949 APPLYING TO AMAG, VOA AND ECA MISSIONS AND, 2) PRIVILEGES, IMMUNITIES AND EXEMPTIONS ENJOYED BY MILITARY FORCES UNDER THE 1953 MFA AND THE 1956 BILATERAL SOFA. ECONOMIDES SAID THAT IT WAS THE GREEK OBJECTIVE TO SUBMIT ALL PERSONS IN BOTH OF THESE CATEGORIES TO A UNIFORM COUNTRYWIDE STANDARD, WHICH WOULD BE THE 1951 NATO SOFA.

2. AS TO CATEGORY 1, ECONOMIDES OBJECTED TO THE FACT THAT CERTAIN MISSIONS, SUCH AS THE FORMER ECA, AND PRESENT JUSMAGG AND VOA PERSONNEL ENJOYED A SPECIAL LEGAL STATUS IN GREECE AND IN EFFECT WERE EXTENDED DIPLOMATIC PRIVILEGES, IMMUNITIES AND EXEMPTIONS. HE ASKED IF THESE SPECIAL STATUSES HAD BEEN ELIMINATED BY ADOPTION OF THE 1956 BILATERAL SOFA, AND WHEN INFORMED THAT THE 1956 AGREEMENT REPLACED PREVIOUS STATUSES ONLY AS TO MEMBERS OF THE US FORCE, CIVILIAN COMPONENT AND THEIR DEPENDENTS, HE SUBMITTED A DRAFT PARAGRAPH WHICH WOULD IN EFFECT APPLY THE 1951 NATO SOFA TO JUSMAGG AND VOA PERSONNEL. THE US SIDE POINTED OUT THAT THE NATO SOFA COULD NOT APPLY TO SUCH PERSONS SINCE THEY WOULD NOT BE COVERED BY THE DEFINITIONS OF "FORCE," "CIVILIAN COMPONENT," OR "DEPENDENT" IN THE NATO SOFA AND THAT THEREFORE THEY COULD DERIVE NO BENEFITS THEREUNDER. ECONOMIDES REPLIED THAT THE NATO SOFA WOULD BE APPLIED TO SUCH PERSONS "ONLY" BY ANALOGY." GREEK TEXT IS AS FOLLOWS: "THE AGREEMENT SIGNED ON JUNE 19, 1951 BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY REGARDING THE LEGAL STATUS OF THEIR FORCES, SHALL ALSO BE APPLIED BY ANALOGY TO THE PERSONNEL OF THE UNITED STATES SERVING IN GREECE IN FURTHERANCE OF THE FOLLOWING AGREEMENTS: THE AGREEMENT CONCERNING AID TO GREECE OF JUNE 20, 1947, THE AGREEMENT CONCERNING UNITED STATES RELIEF ASSISTANCE TO THE GREEK PEOPLE OF JULY 8, 1947, THE AGREEMENT ON ECONOMIC COOPERATION OF JULY 2, 1948, THE AGREEMENT CONCERNING THE FUNCTIONING OF A RADIO BROADCASTING STATION IN THESSALONIKI OF AUGUST 12, 1949, AS WELL AS OTHER POSSIBLE OR SPECIAL AGREEMENTS WHOSE PROVISIONS CONCERNING

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PRIVILEGES AND IMMUNITIES ARE ABOLISHED." THE US SIDE RESPONDED THAT IT HAD COME PREPARED ONLY TO DISCUSS STATUS QUESTIONS CONCERNING MEMBERS OF THE US FORCE AND WOULD HAVE TO SEEK INSTRUCTIONS FROM HIGHER AUTHORITIES AS TO THIS ADDITIONAL CATEGORY OF PROBLEMS. US SIDE WILL INFORM GREEKS ON APRIL 9 THAT IT IS UNABLE TO ADDRESS THIS ASPECT OF THEIR FAR-REACHING PROPOSAL.

3. ECONOMIDES THEN TURNED TO PRIVILEGES, IMMUNITIES, AND EXEMPTIONS PERTAINING TO MEMBERS OF THE US FORCE. HE OBJECTED THAT THE 1953 MFA AND THE 1956 BILATERAL SOFA CONFERRED NUMEROUS PRIVILEGES, IMMUNITIES AND EXEMPTIONS ABOVE AND BEYOND THOSE PROVIDED IN THE 1951 NATO SOFA. HE EXPLAINED THAT THE GREEK POSITION WAS SIMPLY THAT THEY WANTED ONLY THE 1951 SOFA TO APPLY TO ALL MEMBERS OF THE US FORCE. HE STATED THAT THE 1956 BILATERAL SOFA COULD BE ELIMINATED ENTIRELY AND THAT THOSE PROVISIONS OF THE 1953 AGREEMENT AND THE APPENDIX I DEALING WITH PRIVILEGES, IMMUNITIES AND EXEMPTIONS SHOULD ALSO BE ELIMINATED. HE OBJECTED IN PARTICULAR TO THE CRIMINAL JURISDICTION AND WAIVER PROVISIONS OF THE 1956 BILATERAL SOFA, OBSERVING THAT THEIR EFFECT WAS TO "REVERSE" THE OBLIGATIONS IMPOSED BY THE NATO SOFA. HE SAID THAT SINCE GREECE WAS NOT WAIVING JURISDICTION ANY MORE, THE 1956 AGREEMENT HAD LOST ITS RAISON D' ETRE AND COULD BE ELIMINATED. THE GREEKS THEN TABLED A TEXT TO ACHIEVE THEIR OBJECTIVE AS FOLLOWS: "THE LEGAL STATUS OF THE MEMBERS OF THE FORCES OF THE UNITED STATES OF AMERICA IN GREECE, OF THEIR CIVILIAN COMPONENT AND THEIR DEPENDENTS, SHALL BE GOVERNED EXCLUSIVELY BY THE AGREEMENT BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY REGARDING THE STATUS OF THEIR FORCES, SIGNED IN LONDON ON JUNE 19, 1951."

4. SUBCOMMITTEE AGREED TO MEET AGAIN TOMORROW AT WHICH TIME THE US DELEGATION WILL RESPOND ALONG THE LINES OF EXISTING GUIDANCE.

5. COMMENT: ECONOMIDES POSITION WAS UNCOMPROMISINGLY LOGICAL AND SIMPLE, AND HE HAD DONE NO PREPARATION BEYOND THE CHAPTER ON US FORCES IN GREECE FROM HIS
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RECENT BOOK ON DIPLOMATIC IMMUNITIES AND PRIVILEGES (COPIES POUCHED ON MARCH 30 TO INTERESTED OFFICES IN STATE AND DEFENSE). ALTHOUGH WORK OF SUBGROUPS WAS UNDERSTOOD TO BE EXPLORATORY, THE US SIDE SPENT SOME TIME AND EFFORT ATTEMPTING TO DEFINE THE PROBLEM AS RELATED ONLY TO US FORCES AND NOT TO THE OTHER ELEMENTS OF THE US PRESENCE IN GREECE. WE INTEND TO KEEP ECONOMIDES FOCUSED, SO FAR AS POSSIBLE ON STATUS OF US MILITARY FORCES, TO DIVERT ATTENTION FROM THE STATUS OF JUSMAGG AND CIVILIAN PERSONNEL AS LONG AS POSSIBLE.
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